

## **RULE 9. DEPOSITIONS AND COMMISSIONS**

~~The Court will grant commissions to take the depositions of witnesses without the Commonwealth. Any party may, on written application to the Register, obtain a commission, directed to any commissioner appointed by the Governor of the Commonwealth to take depositions in any other of the United States, or to any Justice of the Peace, Notary Public or other officer legally empowered to take depositions or affidavits in the State, territory, or country where the deposition is to be taken, or to such other person as the Court may order. Unless otherwise ordered, such depositions shall be taken upon interrogatories filed by the party applying for the commission, and upon cross-interrogatories, if any, filed by the adverse party, which interrogatories and cross-interrogatories shall be annexed to the commission. The party applying for the commission shall file his interrogatories in the Registry of Probate, giving notice thereof to the adverse party, with a copy of the interrogatories, and file an affidavit of such notice in the Registry. The cross-interrogatories, if any, shall be filed within seven days after the giving of such notice or within such further time as the Court may order, and a copy shall be given to the adverse party. But if the adverse party does not appear, no notice need be given him. If a deposition is taken and certified by any person as an officer or person to whom the commission was directed, and it shall be objected that he was not one to whom the commission was directed, the burden of proof shall be on the party so objecting. But if an objection be made to the authority of a person taking a deposition without such commission, the burden of proof of such authority shall be on the party producing the deposition.~~